

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21-4-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.11557 of 2015

and

M.P.No.1 of 2015

Marikannan

.. Petitioner

vs

1. The State Commissioner of
Differently Abled
Office of the State Commissioner
for Differently Abled
No.15/1, Model School Road
Thousand Lights, Chennai 600 006

2. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from evicting the petitioner's bunk shop situate at ACCENTURE, OMR Road, Elcot Sez, Sholinganallur, Chennai 119 and further directing the 2nd respondent to grant licence to the petitioner's bunk shop.

For Petitioner : Mr.D.Devaraj

For Respondents : Mr.S.Pattabiram

Government Advocate for R1

Mr.P.V.Selvakumar for R2

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner claims that he is differently abled with 100% disability and is running a small bunk shop on the front side of "ACCENTURE" at OMR Road, Elcot Sez, Sholinganallur, Chennai 119, for the past five years and in the said shop, he is selling coffee, tea and other eatable items in a hygienic manner. He would further claim

that out of the meagre income, he is taking care of himself and his family.

3.The apprehension expressed by the petitioner, is that the second respondent is taking emergent steps to remove the bunk shop, which is his only source of livelihood, and in this regard, he has submitted a representation dated 8.5.2013, to the second respondent with a copy marked to the first respondent, praying for grant of licence to run the bunk shop in the very same place and since he has not been favoured with any kind of response, came forward to file this writ petition.

4.Heard the submissions of the learned Counsel appearing for the petitioner, Mr.S.Pattabiraman, learned Government Advocate, who accepted notice for the first respondent, and Mr.P.V.Selvakumar, learned Standing Counsel, who accepted notice for the second respondent.

5.Though the petitioner claims that he has submitted a representation dated 8.5.2013, no acknowledgement is available and this Court, in the light of the facts and circumstances, is of the view that the petitioner is to be permitted to submit one more representation to the second respondent for grant of licence to continue to run the bunk shop in the very same place and it shall be given disposal within a stipulated time and till such time, the status-quo is to be maintained.

6.In the result, the writ petition is disposed of and the petitioner is permitted to submit one more representation to the second respondent by enclosing a copy of the earlier representation dated 8.5.2013, within a period of two weeks from the date of receipt of a copy of this order, and the second respondent, on receipt of the same, is directed to consider it in accordance with the norms/Regulations/Court orders and pass orders as expeditiously as possible and not later than eight weeks from the date of receipt of the representation and till such time, the status-quo, as exists today, shall be maintained by both the parties. It is also made clear that in the interregnum, the petitioner shall not create any third party rights in respect of the bunk shop in question. No costs. Consequently, connected miscellaneous petition is closed.

nsv

s/d-

Deputy Registrar(J)

True Copy

Sub-Assistant Registrar

To:

1. The State Commissioner of
Differently Abled
Office of the State Commissioner
for Differently Abled
No.15/1, Model School Road
Thousand Lights, Chennai 600 006

2. The Commissioner
Corporation of Chennai
Ripon Buildings
Chennai 600 003

+ 1 cc to Government Pleader SR 21816

ad(co)
prk14/5

W.P.No.11557 of 2015



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